

3661

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Reissue Application of:)

Takashi FUJIKAWA et al)

Group Art: 3661)

Reissue No. 09/775,548)

Examiner: M. Marc)

Filed: February 5, 2001)

For: ROBOT CONTROL METHODS AND
APPARATUS)

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GROUP 3600

RESPONSE TO PAPER NO. 03Commissioner of Patents
Washington, DC 20231

Sir:

In response to the non-final Official Action mailed on October 3, 2001 (Paper No. 3), reconsideration is respectfully requested.

REMARKS

This is a full and timely response to the non-final Official Action mailed October 3, 2001. Thus, reexamination and reconsideration of this Reissue Application in light of the above amendments and the following remarks are courteously requested.

Claims 3 to 18 were pending in this broadened reissue application. See the Preliminary Amendment and Statement of Status/Support for All Changes to the Claims, filed on February 05, 2001 with the Reissue Application. The patent for which reissue is sought was granted on February 9, 1999, less than two years earlier.

The initial Action in this Reissue Application is dated October 03, 2001. In that Action, reference is made to "communication(s) filed on 18 March 2001". No paper bearing that

date appears in the file of the undersigned; therefore, clarification is requested. It may be that the March 18, 2001 date is merely the date on which the reissue application papers reached the Art Unit.

Claims 3 to 5 were allowed. However, claims 6 to 8 were initially rejected "under 35 U.S.C. 251 as being improperly broadened in a reissue application made and sworn to by the assignee and not the patentee. A claim is broader in scope than the original claims if it contains within its scope any conceivable product or process which would have infringe the original patent. A claim is broadened if it is broader in any one respect even though it may be narrower in other respects".

Wholly aside from a traverse of the statements of law in this assertion, a response to which is reserved, this position is not fully understood in view of the state of the record of this reissue application. There is no issue on this record, according to the "Preliminary Amendment", that "broadened claims" are presented within the allotted time period as noted above.

A Reissue Application Declaration by the Inventors accompanied the Reissue Application as filed. A copy of that paper together with a copy of the postcard receipt bearing a USPTO date stamp of "Feb. 05, 2001" is appended to this submission. That declaration is dated Feb. 05, 2001 and was transmitted to the undersigned by facsimile for inclusion with the reissue application papers as filed. The reissue application is consented to by the assignee by a paper filed with the reissue application.

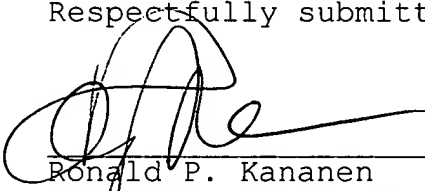
It is believed that the use of the couplet "assignee and not the patentee" is confusing here, where Sony Corporation is the assignee and Messrs. Fujikawa and Fujita are the inventors, corresponding to the "patentee" noted in the Action.

Thus, it is believed that the requirements of MPEP sections 1410.01 and 1414 are satisfied. If this is not what was intended by this Action, it is respectfully requested that the Examiner telephone the undersigned to arrange an interview to discuss this Action further.

In that all of the requirements are satisfied, early allowance of claims 6 to 18 in addition to claims 3 to 5 is respectfully solicited.

Respectfully submitted,

DATE: January 3, 2002



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